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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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7590

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EXAMINER

NGUYEN, CHI Q

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 09/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/823,474

Applicant(s)

RILLIE, DAVID WINDSOR

Examiner

Chi Q Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Jaster (US 5,648,873).

Jaster discloses a passive solar collector comprising at least one skylight shaft 17, a skylight dome 18, at least one layer of reflective film (col. 3, lines 43-44) coated wall 17 is considered to be equivalent to the reflective film and adhesive recited in claim 1 of the instant application (col. 4, lines 23-25), since Jaster used the term "films" is considered more than one layers, and at least one surface irregularity formed known as conical reflector 80 by laminating triangular-shaped sections (col. 8, lines 3-6, figs. 1-5), a light diffusing lens structure 40 is suspended beneath housing 12 (col. 5, lines 10-11).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 7-9, 11-13, 27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeBlock et al. (US 5,983,581) in view of Jaster (US 5,648,873).

DeBlock discloses a tubular skylight with offset dome comprising a tube assembly 16 including at least one skylight shaft 40, 42, 44, at least one surface irregularity 72, 74, having a prismatic portion 82 with uneven (i.e. grooved), pattern grooves 100, forming at angle of 92-degree (fig. 5), reflective coatings formed on the inside of the shafts 40, 42, 44 wherein this reflective coatings is considered to be equivalent to the reflective film and adhesive recited in claim 1 of the instant application and DeBlock uses the term of reflective coatings are considered more than one layers of coating (col. 5, lines 50-53), a skylight dome 12 assembly having a dome 20, a roof flashing 22, a stepped curb 24 and an integral flashing flange 26 covering a top end of the shaft 40, a diffuser assembly 14 having a diffuser 30 a ceiling trim ring 32, a tube/ring seal 34. (See figs. 1-4, 6-8).

DeBlock discloses the structural elements for the tubular skylight as stated. DeBlock does not disclose expressly at least one surface irregularity formed in at least one of : the adhesive, the reflective film, and the shaft.

Jaster teaches the passive solar collector including reflector 80 can be formed by laminating triangular-shaped (irregularity) sections (see col. 8, lines 3-6, fig. 5).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine DeBlock's disclosure with Jaster's for irregularity formed on the surface of the shaft. The motivation for doing so would have been to provide more accurate control of the light reflection.

5. Claims 5, 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeBlock et al. (US 5,983,581).

DeBlock discloses the structural elements of the skylight assembly as stated. DeBlock does not disclose expressly and specifically the reflective film or coating is greater than 50% specularly reflective and each irregularity includes an upper face establishing a first angle with respect to a long axis of the shaft and a lower face establishing a second angle with respect to the long axis of the shaft, the first angle being more acute than the second angle. It would have been obvious to one of ordinary skill in the art at the time the invention was made to obtain reflective film or coating is greater than 50% specularly reflective and each irregularity forming angles more acute than the other, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or working ranges involves only routine skill in the art.

6. Claims 14-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeBlock et al. (US 5,983,581).

With regard to method claims, DeBlock disclosed the structural elements for the skylight, DeBlock does not teach specifically the method of assembling for the skylight structure, examiner considers this to be the obvious method of setting of the device of claims.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mors (US 6,385,922), Rillie et al. (US 6,415,563), Widmer (US 6,418,679), Humber (US 5,860,256), Gauvin (US 6,130,781), Raccuglia (US

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6,360,496), Grubb (US 6,256,947), Swearingen (US 6,354,046), Chao et al. (US 6,035,593), EP 0007922, CH 602967.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chi Q. Nguyen whose telephone number is (703) 605-1224, Monday-Thursday (7:00-5:30), Fridays off or examiner's supervisor, Lanna Mai can be reached at (703) 308-2486. The fax number for the organization where this application or proceeding assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



CQN  
9/5/02

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